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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT TACOMA**

9 CALVIN ROUSE, a/k/a ABDUR RASHID
10 KHALIF,

11 Plaintiff,

12 v.
13 RON VAN BOENING, DENNIS
14 TABB, JOHN BARNES, LT.
15 BERSHAN, SHEIR POTIET, JANET
16 GAINES, MICHAEL HUGHES,
17 MICHAEL C. HINES, JEFFREY
18 SMITH, SGT. PEDERSON, and
19 ELDON VAIL,
20 Defendants.

21 NO. C09-5655 RBL/KLS

22 ORDER DENYING MOTION TO
23 ADJUST RECORD AND FOR
24 PRODUCTION OF PHONE RECORDS

25
26 Before the court is Plaintiff's Motion to Adjust Record and Production of Phone

Records. Dkt. 55. Plaintiff seeks to "correct" the record to reflect that he attempted to confer with counsel regarding a discovery dispute when he placed collect telephone calls to her office on July 8, 2010. He asks the court to compel counsel to produce her telephone records for that day. *Id.* Defendants oppose the motion because counsel's phone records are privileged, not relevant, and counsel never received any phone calls because her office does not accept collect calls. Dkt. 56. The court finds that Plaintiff's motion should be denied.

DISCUSSION

For purposes of this motion, the court accepts as true that Plaintiff placed collect calls to counsel's office on July 8, 2010. Even accepting this as true, however, counsel's telephone records are not discoverable as they are not relevant to Plaintiff's underlying claims, i.e., whether Defendants' violated his First and Fourteenth Amendment rights. Moreover, as Plaintiff has already been advised, it is the policy of counsel's office that collect calls are not accepted. Thus, even if counsel were required to produce such records, they would not yield the results that he anticipates.

The parties are advised that “[a] good faith effort to confer with a party or person not making a disclosure or discovery requires a face-to-face meeting or a telephonic conference.” Local Rule CR 37(a)(2)(A). The court expects Plaintiff and counsel for Defendants to cooperate in their discovery efforts. Future telephonic conferences should be arranged so that these type of conflicts do not arise.

Accordingly, it is **ORDERED**:

1) Plaintiff's motion to adjust record and production of phone records (Dkt. 55) is
DENIED.

2) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

DATED this 2nd day of September, 2010.

Karen L. Strombom
Karen L. Strombom
United States Magistrate Judge